

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

CATEGORICAL EXCLUSION REVIEW

A. Background

Project Name: Eugene District Meadow Conifer Removal, January, 2012 – January, 2013

Date: January, 2012

Categorical Exclusion Number: DOI-BLM-ORE010-2012-0021-CX

Location: The general project area is the Eugene District Bureau of the Bureau of Land Management (BLM). Individual trees would be removed from meadows/oak patches, where special management has been identified to retain or restore meadow habitat.

Description of Proposed Action:

The Eugene District BLM proposes to kill small conifer trees, no more than 20 inches in diameter, to prevent encroachment into existing grass-dominated meadows and oak patches. Trees may be killed by girdling the tree, cutting the tree down, topping the tree or other methods. If the tree is cut down, the tree would be left on site or piled and burned at later date. Up to 50 acres may be treated.

This CX does not cover conifer removal in sites occupied by Threatened or Endangered plants or Fender's blue butterfly.

B. Plan Conformance Review:

The proposed action is in conformance with the Eugene District Resource Management Plan (RMP, 1995), as amended.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, *C. Forestry, (4) – Pre-commercial thinning and brush control using small mechanical devices.*

The categorical exclusion is appropriate because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, as documented in the following table. The proposed action is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

D. Signatures:

Prepared By: Cheshire Mayrsohn
Botanist

Date: 4/24/2012

Reviewed By: Richard A. Ardi
Environmental Coordinator

Date: 4/24/2012

Approved By: Virginia Grilley
District Manager, Eugene District BLM

Date: 4/24/2012

Contact Person:

For additional information concerning this Categorical Exclusion, contact: Cheshire Mayrsohn UPW
Botanist 541-683-6407

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EUGENE DISTRICT**

**CATEGORICAL EXCLUSION REVIEW
Extraordinary Circumstances Checklist**

Proposed Action: DOI-BLM-ORE010-2012-0021-CX; Meadow Conifer Removal

Review the proposed action against each of the 12 “extraordinary circumstances” listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

| Extraordinary Circumstances | YES | NO |
|---|------------|-----------|
| 1. Have significant impacts on public health or safety. <u>Rationale:</u> All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety. The proposed meadow conifer removal is located in forested locations outside of population centers. | | X |
| 2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <u>Rationale:</u> Trees to be felled are within meadow boundaries or adjacent to meadow edges. These areas may be within Areas of Critical Environmental Concern, proposed special areas or other meadows. Tree removal is necessary for sites to maintain Relevant and Important values and to improve meadow function. This action would comply with relevant protection measures under the Bald Eagle Protection Act and the Migratory Bird Treaty Act, and associated federal regulations and BLM policies, and would not measurably affect any of the species regulated by those acts. In any areas where ground-disturbing activities occur as a result of meadow conifer removal, cultural resource reviews would be conducted prior to implementing the proposed action. If cultural resources are found within an area through pre-disturbance inventories or during activities, appropriate measures would be applied to avoid impacts. | | X |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses. | | X |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> There are no predicted effects from the proposed action that are highly uncertain, potentially significant, unique, or unknown risks. Projects will be limited in size with small diameter trees. | | X |
| 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> Individual tree removal is a discrete action and does not commit the BLM to pursuing further actions, and as such would not establish a precedent or decision for future actions with potentially significant environmental effects. | | X |

| Extraordinary Circumstances | YES | NO |
|---|-----|----|
| <p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p> <p><u>Rationale:</u> Individual tree removal will not have significant direct, indirect, or cumulative effects. No trees will be removed from the site and are not connected to other proposed actions.</p> | | X |
| <p>7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.</p> <p><u>Rationale:</u> In any areas where ground-disturbing activities occur as a result of meadow conifer removal, cultural resource reviews would be conducted prior to implementing the proposed action. If properties that are eligible or listed on the National Register are found within an area through pre-disturbance inventories or during activities, mitigation measures would be applied to avoid or reduce impacts.</p> | | X |
| <p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.</p> <p><u>Rationale:</u> Some proposed project areas may be within suitable nesting habitat and/or critical habitat for the northern spotted owl and marbled murrelet; however, killing selected trees would not change the overall habitat function of the stand or result in the loss of critical habitat. Actions would occur during times that would not adversely affect spotted owl breeding behavior. There would be no adverse effects to the species or their critical habitat from this action and the action would result in no significant impacts.</p> | | X |
| <p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p> <p><u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p> | | X |
| <p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).</p> <p><u>Rationale:</u> The felling of individual trees would not affect low income or minority populations – the activity is dispersed across District-administered land which is largely interspersed with private, industrial forest land.</p> | | X |
| <p>11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).</p> <p><u>Rationale:</u> Conifer removal activities will not limit access to ceremonial sites. Previous scoping for these types of projects has not identified tribal concerns regarding ceremonial use of Indian Sacred sites.</p> | | X |
| <p>12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).</p> <p><u>Rationale:</u> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. Vehicles accessing the project area for the proposed action would stay on existing roads (no additional roads proposed), reducing the potential of picking up and dispersing noxious weeds or seed.</p> | | X |

1791
CX-12-21
Meadow Conifer
Removal

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DECISION RECORD

Decision:

It is my decision to implement this action on BLM lands as described in the categorical exclusion documentation - DOI-BLM-ORE010-2012-0021-CX.

Land Use Plan Conformance:

The Eugene District initiated planning and design for this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the proposed action is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

Survey and Manage:

The action is in conformance with the 2001 Survey and Manage Record of Decision. Specialists' recommendations to help determine the need for survey will be based on site-specific information. In making such determinations, considerations such as the probability of the species being present on the project site, as well as the probability that the project would cause a significant negative effect on the species habitat or the persistence of the species at the site, will be made.

Decision Rationale:

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features as specified, will be incorporated into the proposal. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4.

Authorizing Official:

Virginia Grilley

Virginia Grilley
District Manager
Eugene District Office

4/24/2012

Date:

Project Design Features

Northern Spotted Owl, Marbled Murrelet

Treatments affecting federally-listed species or federally-designated critical habitat shall comply with the standards of the appropriate letter of concurrence or biological opinion, and shall not cause effects other than those that are discountable, insignificant or entirely beneficial as defined by the Consultation Handbook.

Other Special Status Wildlife Species

In areas other than campgrounds or roads, area wildlife biologists will review projects where ground-disturbing activities are planned or where power equipment will be used to ensure compliance with the Bald Eagle Protection Act and BLM Special Status Species and/or Migratory Bird policies. Habitat modification at known sites will be designed to avoid or mitigate adverse impacts. Additionally, project activities using power equipment in locations with the potential for noise disruption (other than campgrounds and roads as indicated above) will be seasonally restricted during an appropriate portion of the breeding season (January 1 to September 30).

Special Status Plant Species

Botanists will review project areas to avoid any inadvertent damage to known Special Status plants. Apply treatments within and around Bureau Sensitive plant populations generally after plant populations have senesced for the season and before plant growth starts (September – February). In any season, plants will be well-marked on the ground (flagging, flag-pins) so that they would not be damaged by crews and/or equipment, and a qualified specialist would be present to monitor implementation of the project.

Aquatic Resources

No conifer removal will occur within a 2-site tree potential for fish bearing streams.

Cultural Resources

Cultural reviews will be completed for any ground-disturbing activities associated with meadow conifer removal. Specifically, project leads must provide a map of the meadow location for an archeological review.

If during any conifer removal efforts, archaeological materials are found, the ground-disturbing work needs to stop and will be reported to the District Archeologist.